

Phone: 9137544920, 8779690541

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LDML/TSR/COSMOS/0170/2023-24

Dates: 26/09/2023

To,

The Cosmos Co-operative Bank Ltd.

Thane Branch

Sub: - Search and Title report for property being, Office No. B/601 on the 06<sup>th</sup> Floor, Adm area 515 Sq. Ft. Carpet Area, together with terrace rights Adm area 2500 Sq. Ft. Carpet Area In the Building known as "KOTIA NIRMAN" Constructed on CTS No. 844/3 Part, Plot No. 2, lying being situated at Village - Ambivali Taluka - Andheri & District - Mumbai Suburban.

- 1) **Name of the Branch:** Thane Branch
- 2) **Name of the Borrower:** Mrs. Lata Madanmohan Kotia & V.K. Polyfilms

(Mention its constitution when Borrower is company /partnership/ LLP) and also mention the details of its directors/partners/designated Partners)

- 3) **Documents Seen:**

I have perused the following documents for the purposes of furnishing this legal opinion.

Sr. No.	Document Number	Execution/ Date of Document	Original/Attested Copy/Photocopy/Duplicate and Particulars of the document
1	Indenture of Gift Executed between Mr. Madanmohan Murarilal Kotia AND Mrs. Lata Madanmohan Kotia	03/03/2011	Photocopy
2	Registration Receipt No. 2485/2011	07/03/2011	Photocopy
3	Index II	07/03/2011	Photocopy
4	Property Card	-----	Photocopy
5	Full Occupation Certificate issued by MCGM	08/06/2006	Photocopy
6	Electricity Bill	16/12/2010	Photocopy
7	Typical Floor Plan	-----	Photocopy

**4) DESCRIPTION OF PROPERTY/PROPERTIES/NATURE OF TITLE:**

1.	Name of the owner/ Mortgagor	Mrs. Lata Madanmohan Kotia & V.K. Polyfilms
2.	Extent of area	Adm area 515 Sq. Ft. Carpet Area, together with terrace rights Adm area 2500 Sq. Ft. Carpet Area
3.	Survey No/ Gat No./CST No.	CTS No. 844/3 Part, Plot No. 2
4.	Is property leasehold/freehold/Govt. grant etc.	Freehold
5.	Nature of property	Flat
6.	Location	Village - Ambivali Taluka - Andheri & District - Mumbai Suburban.
7.	Boundaries on or towards for the Plot/flat	As mentioned in Agreement
8.	Confirmed the boundaries of the flat/plot as per approved plan and as per title deed.	As mentioned in Agreement

**5) Trace of Title/History of passing of title. Details of antecedent title deeds.****FLOW OF TITLE**

After going through all the documents & search report made available with us, we find that By a letter in writing dated 3rd day of April, 1973 and confirmed by an agreement in writing dated 5th day of February, 1974, the Mr. Madanmohan Murarilal Kotia (Doner) is father Mr. Murarilal Ramprasad Kotia together with his brother Mr. Durgalal Ramprasad Kotia, both then carrying on business in partnership in the name and style of M/s. Asian Marble Industries, for the consideration and upon the terms and conditions purchased and acquired ALL that piece or parcel of vacant land being Plot No.2 Shah Industrial Estate, Link Road, Andheri (West), Mumbai 400 058, bearing CTS No. 844/3, Revenue Village and City Survey: Ambivali (AMBOLI), Taluka and Registration Sub District: Andheri, in the Registration District and District: Mumbai Suburban, admeasuring about 2417 sq. Meters.

The said Partnership mutually divided said land with structure And the Mr. Madanmohan Murarilal Kotia is father as sole proprietor of M/s. Asian Marble Industries became entitled to one - half undivided share i.e. 1208.50 Sq. Mtrs. Of land facing Link Road with one - half structure.

Deed Of Partnership dated 05/11/1983 the Mr. Madanmohan Murarilal Kotia (Doner)father admitted the Mr. Madanmohan Murarilal Kotia (Doner) in the said firm of M/s. Asian Marble Industries together with entire Property.

By Deed of Dissolution dated 10th day of December-2004 the partnership firm of the Donor's father together with his son the Donor herein has been dissolved and the Donor's father is entitled to entire First and Fifth Floors whereas the Donor is entitled to entire Ground and Sixth Floor along with terrace of the said Kotia Nirman Building under construction.

By and under the consent terms arrived on 23rd day of July 2000 in the High Court, O. O. C. J. Suit No.357 of 1995 (Durgalal Ramprasad Kotia.. Plaintiff Versus Mema Engineering & Contractors Pvt. Ltd. and the Donor's father as the Defendants), the Donor's father for the consideration and upon terms and conditions mentioned therein completed purchase of entire property. Said consent terms are duly registered with the Sub Registrar of Assurances at Bandra at their Serial No.BDR-1/1953/2001dated 30/04/2001.

The said suit did not refer to the partnership of the Donor's father with his son, i.c. the Donor, the Donor's father by a Deed of Declaration dated 18th day of April 2001 registered with the Sub Registrar of Assurances at Bandra at their Serial No.BDR-1/2236/2001 dated 11/05/2001 declared and confirmed that entire property was and is a Partnership the said M/s. Asian Marble Industries, constituted by the Mr. Madanmohan Murarilal Kotia (Doner) is Father together with his son madammohan the Donor herein (hereinafter referred to as the Owner).

Thus the Owner being in possession of the entire property demolished the old structure and construction one building named as

The developers have completed the construction of the Building & Full Occupancy Certificate No. CE/7833/WS/AK Dated 08/06/2006issued by Municipal Corporation Of Greater Mumbai. "KOTIA NIRMAN" 'B' wing hereinafter referred to as said building.

The Mr. Madanmohan Murarilal Kotia (Doner) is seized and possessed of and or otherwise well and sufficiently interalia entitled to Commercial Office No. B/601 on the 06<sup>th</sup> Floor, Adm area 515 Sq. Ft. Carpet Area, together with terrace rights Adm area 2500 Sq. Ft. Carpet Area In the Building known as "KOTIA NIRMAN" Constructed on CTS No. 844/3 Part, Plot No. 2, lying being situated at Village - Ambivali Taluka - Andheri & District - Mumbai Suburban. The said property.

By Indenture of Gift dated 03/03/2011 executed between the said Mr. Madanmohan Murarilal Kotia have gifted Office No. B/601 on the 06<sup>th</sup> Floor, Adm area 515 Sq. Ft. Carpet Area, together with terrace rights Adm area 2500 Sq. Ft. Carpet Area In the Building known as "KOTIA NIRMAN" Constructed on

CTS No. 844/3 Part, Plot No. 2, lying being situated at Village – Ambivali Taluka - Andheri & District – Mumbai Suburban. Mrs. Lata Madanmohan Kotia on the terms conditions & mentioned therein. Which is duly Registered with sub- Registrar of assurances at Andheri Under Sr. No. BDR-15/2480/2011 Dated – 07/03/2011.

We have conducted search of 30 years (1994-2023) with the sub registrar of assurance at Andheri.

**6) Detailed information about property to be mortgaged:**

Details	Remark of counsel
1. Whether the documents of title given raise to any doubts or suspicion	NO
2. Are all the original title deeds available with the mortgagor; if not, the reasons for non-availability of the same; incase the properties are mortgaged to some other entity, is the original title deed lying with such entity; does such entity have the certified true copy of any/all of the title deeds and lodgment receipt + acknowledgement letter from registrar for the same.	Original Title Deed available
3. Whether any of the property intended to be given by way of mortgage is subject to any minor's or any other claims? If yes, state whether requisite permission from the concerned court has been obtained and produced or to be obtained?	NO
4. Whether the property	NO

proposed to be mortgaged is subject to the provisions contained under any special enactment /local laws. State implications of such enactment on the charge proposed to be created?	
5. Whether property to be mortgaged is coming under any restrictions on transfer & whether required permission/ consent as per terms of grant/allotment etc. obtained	No Restrictions
6. Whether provisions of Urban Land (Ceiling & Regulation) Act are applicable? If applicable whether permission obtained.	NO
7. Whether the user land has been converted under land revenue law? Whether N.A. Permission /change of user permission is obtained?	No
8. Whether required documents are available for creating valid equitable mortgage?	YES
9. What is the tenure of land? (In case of Lease Property) and whether necessary consent permission of lessor obtained.	Not Applicable
10. Whether the land is Adiwasi (Tribal) Land?	NO
11. Whether the land /property is owned by HUF? If yes then what	NO

precautions to be taken by the Bank while accepting property owned by HUF	
12. Is land/ property subject to any reservations/ acquisitions/ requisitions?	NO
13. Whether plans for constructions are sanctioned?	YES
14. Whether Commencement certificate issued?	Not Applicable
15. Whether the project is registered under RERA? And registration certificate is obtained on record	Not Applicable
16. Whether Completion certificate is obtained? (applicable to property which is of ready possession/resale)	Full Occupation Certificate issued by MCGM Dated 08/06/2006
17. Whether there are any restriction from Corporation such as "education Zone", "Green Zone" Etc.?	NO
18. Is the land taken on lease from State Industrial Development Corporation? If yes whether Tripartite agreement executed?	NO
19. Whether there are any prior encumbrances. If yes details thereof?	No
20. Evidence of possession Findings on documents and revenue records, details of property tax, land revenue, society maintenance charges or any other statutory dues	NO

paid upto date or payable.)	
21. In case of companies /societies /association /trust Whether	Property is not owned by companies /societies /association /trust
a) Memorandum/bye-laws of the society/association authorize to offer its property as security.	Not Applicable
b) Requisite resolutions have been duly passed by the Company/Society/Association permitting mortgage of the properties in favour of the Bank.	NO
c) Such resolution sets out the names of the persons who are authorized to create charge over the properties.	Not Applicable
d) In case of public charitable trust whether permission of charity commissioner for borrowing & mortgaging trust property is obtained and conditions stipulated if any.	No
22. In case of devolution of property by a will/ succession,	NO
A) Whether probate of will/ succession certificate / Letters of Administration obtained? Details thereof	Not Applicable

B) If probate / succession certificate / Letters of Administration not obtained, then how the mortgagor proposes to prove the title?	Not Applicable
C) The safeguards suggested to ensure title to the property offered as security.	Not Applicable
23) a. Whether title deeds perused are in conformity with the search taken? b. Whether the registered title deeds are in conformity with the scanned copies of the same on IGR site?	YES. The title deeds perused are in conformity with the search taken YES. The registered title deeds are in conformity with the scanned copies of the same on IGR site
24) Whether the chain of title is complete without any missing links	YES
25) Whether any other documents to be obtained/ compliance to be made so as to create valid mortgage	The Following documents to be obtained by the Bank for creating valid equitable mortgage
<p>a. Original Indenture of Gift dated 03/03/2011 Executed between Mr. Madanmohan Murarilal Kotia AND Mrs. Lata Madanmohan Kotia including Registration receipt and Index II.</p> <p>b. Copy Of Full Occupation Certificate issued by MCGM</p>	
26) A. Whether any charge on subject property is found on CERSAI Portal? b. If Yes, it's Details.	NO



**Certificate of title and No encumbrance**

I have examined the original Title Deeds relating to Mrs. Lata Madanmohan Kotia & V.K. Polyfilms I have taken the Search, with the Sub-Registrar of Assurances & Record of Rights for last 30 years vide Search Receipt GRN No. \_\_\_\_\_ (Original fee receipts enclosed). I Mrs. Lata Madanmohan Kotia & V.K. Polyfilms have an absolute, clear and marketable title over the property. I further certify that the documents of title referred to under the opinion are perfect evidence of right, title and interest of the borrower / mortgagor.

  


Place: Thane

Date: 26/09/2023

SHARAD M. MALI  
ADVOCATE

**SEARCH REPORT**

Office No. B/601 on the 06<sup>th</sup> Floor, Adm area 515 Sq. Ft. Carpet Area, together with terrace rights Adm area 2500 Sq. Ft. Carpet Area In the Building known as

“KOTIA NIRMAN” Constructed on CTS No. 844/3 Part, Plot No. 2, lying being situated at Village – Ambivali Taluka - Andheri & District – Mumbai Suburban.

**OWNER: Mrs. Lata Madanmohan Kotia & V.K. Polyfilms**

THIS IS TO CERTIFY THAT our search clerk has taken search in respect of the above said property for the period of 30 years in the Office of Sub-Registrar Andheri, which is as follows:

Year	Transaction
1994	NIL
1995	NIL
1996	NIL
1997	NIL
1998	NIL
1999	NIL
2000	NIL
2001	<p>Entry Index II  Deed of Declaration dated 18/04/2001  CTS No. 844/3 Part, Plot No. 2, Adm Area 2417 Sq. Mtrs. lying being situated at Village – Ambivali Taluka - Andheri &amp; District – Mumbai Suburban.  Mr. Murarilal Ramprasad Kotiya  Under Sr. No. BDR-1/2236/2001  Dated 11/05/2001</p> <p>Conveyance Deed dated 27/07/2000  Survey No. 111 D, CTS No. 844/3 Part, Adm Area 2417 Sq. Mtrs. lying being situated at Village – Ambivali Taluka - Andheri &amp; District – Mumbai Suburban.  M/s. Mema Engineering &amp; Contractors Pvt. Ltd.  To  Durgalal Ramprasad Kotia &amp; Mr. Murarilal Ramprasad Kotiya  Under Sr. No. BDR-1/1953/2001  Dated – 30/04/2001</p>
2002	NIL
2003	NIL
2004	NIL
2005	NIL
2006	NIL
2007	NIL
2008	NIL
2009	NIL
2010	NIL
2011	<p>Entry Index II  Indenture of Gift dated 03/03/2011</p>

	Office No. B/601 on the 06 <sup>th</sup> Floor, Adm area 515 Sq. Ft. Carpet Area, together with terrace rights Adm area 2500 Sq. Ft. Carpet Area In the Building known as "KOTIA NIRMAN" Constructed on CTS No. 844/3 Part, Plot No. 2, lying being situated at Village - Ambivali Taluka - Andheri & District - Mumbai Suburban. Mr. Madanmohan Murarilal Kotia To Mrs. Lata Madanmohan Kotia Under Sr. No. BDR-15/2480/2011 Dated - 07/03/2011
2012	NIL
2013	NIL
2014	NIL
2015	NIL
2016	NIL
2017	NIL
2018	NIL
2019	NIL
2020	NIL
2021	NIL
2022	NIL
2023	NIL

Search Fees challan is enclosed herewith.



Shravani Bhoir  
Search Cleak



*Sharad Madhukar Mali*  
B.Com,LL.B, ACS, GCIP (Geneva)  
Advocate High Court & Trademark Attorney  
Mob: 8108038029 / 8454845089

Ref: - LDM/COSMOS/0170/2023-24

Dates: 26/09/2023

To,  
The Branch Manager,  
Cosmos Co-op. Bank Limited  
Thane Branch  
Respected Sir/Madam,

**Sub: - Bill For Search and Title Report of Borrower Mrs. Lata Madanmohan Kotia  
& V.K. Polyfilms**

Sr. No.	Particulars	Qty	Rate	Amount
1.	Office No. B/601 on the 06 <sup>th</sup> Floor, Adm area 515 Sq. Ft. Carpet Area, together with terrace rights Adm area 2500 Sq. Ft. Carpet Area In the Building known as "KOTIA NIRMAN" Constructed on CTS No. 844/3 Part, Plot No. 2, lying being situated at Village - Ambivali Taluka - Andheri & District - Mumbai Suburban.	1	Rs. 5,000/- Each	Rs. 4250/-
2.	Search Receipt Charges.	-	Inclusive	Rs. 750/-
	<b>Total</b>			<b>Rs. 5,000/-</b>

Please pay by NEFT to  
Bank NEFT Details:  
Cosmos Bank, Kalyan Branch  
Current AC No 062100103681  
ISFC SBIN COSB0000062  
GPAY NO. 8108038029

  


**Sharad Mali**  
**Advocate High Court**